

HOUSE BILL 3162

By Jones S

AN ACT to amend Tennessee Code Annotated, Title 10;  
Title 37 and Title 49, relative to confidentiality of  
records concerning child abuse and child sexual  
abuse.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 37-5-107(a), is amended by deleting the last sentence and substituting instead the following:

The department shall release records upon request to any person who is the victim or alleged victim of child abuse or child sexual abuse or to such person's parent or guardian if the person is a minor and the parent or guardian is not the alleged perpetrator; provided that the department has edited the information to protect the confidentiality of the identity of the person who made the report and any other person whose life or safety may be endangered by the disclosure. Any person or entity, including the commission, who is provided access to records under this provision shall be required to maintain such records in accordance with state and federal laws and regulations regarding confidentiality.

SECTION 2. Tennessee Code Annotated, Section 37-1-612(c), is amended by adding the following language as an appropriately designated subdivision:

( ) Any person who is the victim or alleged victim of child abuse or child sexual abuse or to such person's parent or guardian if the person is a minor and the parent or guardian is not the alleged perpetrator; provided, that the department has edited the information to protect the confidentiality of the identity of the person who made the report and any other person whose life or safety may be endangered by the disclosure.

SECTION 3. Tennessee Code Annotated, Section 10-7-504(a)(4), is amended by adding the following language as an appropriately designated subdivision:

( ) Notwithstanding the provisions of subdivision (a)(4)(A) to the contrary, the institution shall release records upon request to any person who is the victim or alleged victim of child abuse or child sexual abuse or to such person's parent or guardian if the person is a minor and the parent or guardian is not the alleged perpetrator; provided that the institution has edited the information to protect the confidentiality of the identity of the person who made the report and any other person whose life or safety may be endangered by the disclosure. Any person or entity who is provided access to records under this provision shall be required to maintain such records in accordance with state and federal laws and regulations regarding confidentiality.

SECTION 4. The commissioner is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 5. For purposes of promulgating rules and regulations necessary to implement the provisions of this act, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2008, the public welfare requiring it.